IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2006

C O R A M

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

WRIT PETITION NO.4005 of 2004

B.Gowdappa,
S/o Biddappa,
Proprietor Sree Anand Mansions,
Sujatha Complex,
968/1A, Chennathur Village,
Krishnagiri Road,
Hosur-635 109. ... Petitioner

vs.

1.The Tamil Nadu Industrial Investment
Corporation ltd.,
rep. by its Managing Director,
692, Anna Salai, Nandanam,
Chennai-600 035.

2.The Manager,
Tamil Nadu Industrial Investment
Corporation Ltd.,
Special Recovery Branch,
4/22, Omalur Main Road,
Swarnapuri, Salem-636 004.

3.K.R.Madhanagopal .. Respondents

Petition under Article 226 of The Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in Ref.TIIC/SLM-SRB/LAO-HSR/2003-04 dated 19.11.2003 and quash the same as illegal, incompetent and without jurisdiction and to direct the respondents to extend the benefit of the non-discretionary and non-discriminatory scheme to the petitioner and for consequential orders.

For petitioner ... Ms.A.Shanmugapriya
For Respondents 1 & 2 ... Mr.M.J.Jaseem Mohammed for Mr.J.Kalyanaraman

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O R D E R

Aggrieved by the order dated 19.11.2003 of the second respondent, the petitioner has approached this Court to quash the same and issue direction to the respondents to extend the benefits of non-discretionary and non-discriminatory scheme to the petitioner and for consequential orders.

2. Heard the learned counsel for the petitioner as well as the respondents.

3. At the time of hearing of the writ petition, the learned counsel appearing for the respondents placed the status report which shows that as on date, the petitioner is liable to pay Rs.49.67 lakhs. No doubt, the learned counsel appearing for the petitioner is disputing the above amount and according to her, as per the direction of this Court dated 04.01.2005, the petitioner has deposited further amount of Rs.2,00,000/- in addition to the amounts paid earlier.

4. Taking note of the above statement and of the fact that regular one time settlement scheme is available as on date, I am of the view that the grievance of the petitioner cannot be gone into by this Court by going into the merits. However, the petitioner is free to make a representation to the first respondent with Demand Draft for a sum of Rs.5,00,000/- (Rupees five lakhs only) within a period of two weeks from the date of receipt of a copy of this order. If any such representation is made along with the Demand Draft as mentioned above, the first respondent is directed to consider and intimate the same to the petitioner. It is made clear that if the petitioner fails to make representation with Demand Draft for Rs.5,00,000/- within the time as mentioned above, the respondents are free to proceed further.

5. With the above observations, the writ petition is disposed of. No costs.

raa

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Managing Director
The Tamilnadu Industrial Investment
Corporation Limited
No.692, Annasalai, Nandanam
Chennai-35.

2.The Manager
The Tamilnadu Industrial Investment Corporation
Limited, Special Recovery Branch
No.4/22, Omalur Main Road
Swarnapuri
Salem-636 004.

+ one cc to Mr.J.Jaseem Mohammed, Advocate Sr.No.6043.

MS (CO)
RSM/14.2.2006

W.P.NO.4005 of 2004

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